

M. Gregory Weisz, Wyo. Bar No. 6-2934
 Crystal D. Stewart, Wyo. Bar No. 7-6057
 PENCE AND MACMILLAN LLC
 P.O. Box 765
 Cheyenne, WY 82003
 (307) 638-0386
gweisz@penceandmac.com
cstewart@penceandmac.com
 Plaintiff's Attorneys

**UNITED STATES DISTRICT COURT
 DISTRICT OF WYOMING**

IRON BAR HOLDINGS, LLC, a North
 Carolina limited liability company registered
 to do business in Wyoming,

Plaintiff,

vs.

Case No. 22-CV-00067-SWS

BRADLY H. CAPE, an individual,
 ZACHARY M. SMITH, an individual,
 PHILLIP G. YEOMANS, an individual, and
 JOHN W. SLOWENSKY, an individual,

Defendants.

AFFIDAVIT OF REBECCA ENGLERT

STATE OF WYOMING)
) ss.
 COUNTY OF LARAMIE)

I, Rebecca Englert, being first duly sworn upon her oath, deposes and states as follows:

1. I am an adult person, of age, and suffer no legal disability.
2. I am the Head Manager of the Elk Mountain Ranch ("Ranch"), owned by Iron Bar Holdings LLC ("IBH").
3. I am familiar with the underlying facts and circumstances of the above-referenced case through my employment at the Ranch.

4. As part of my job duties, I am primarily responsible for receiving and reviewing incoming mail, calls, and voicemails on behalf of the Ranch.

5. Following issuance of the Court's *Order on Cross Motions for Summary Judgment* ("Order") on May 26, 2023, the Ranch saw a significant increase in incoming mail, messages, and calls from random persons, some of whom had ascertainable identities but some of whom did not.

6. Many of the communications received following the Order contained extremely threatening, abusive, and/or harassing language and were directly related to the Court's Order and ruling.

7. Of real concern are some recent voicemails. One voicemail, sent May 27, 2023 (the day after the *Order*) stated: "Hi this is probably another of lots of people calling to congratulate you on some recent court losses. You fucking billionaire piece of shit fucking cocksucker faggot retard." Another voicemail stated: "your boss Fred is a piece of shit, he belongs in the fucking ground, I hope he fucking dies of cancer." Yet another voicemail stated: "do me a favor and tell Fred Eshelman that communist piece of shit he can take his fucking corner crossing case and stick it up his ass." The voicemails have become increasingly threatening in tone, but callers are smart enough not to make outright threats. But the intent is clear that some people will act on their hatred of IBH and will confront me and other employees.

8. All Ranch employees, including myself, are extremely concerned about the increased risk of violence or confrontation because of the threatening communications that have been received by the Ranch since the Order was entered. The threats have interfered with our ability to safely and competently carry out our job duties.

9. Currently, the Ranch is bracing for an influx of people who will attempt to corner-cross through Ranch property because of the Order.

10. The Ranch is also preparing for the potential that there may be persons who intend to harm the Ranch, who intend to confront Ranch employees, or who may become violent toward Ranch employees.

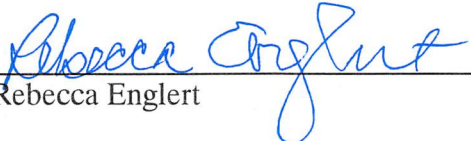
11. Safety for the Ranch and its employees is the number one priority. However, because of the threatening communications that have been received to date, I am concerned that some of these persons intend to and will do harm to the Ranch or Ranch employees, or at least seek out confrontations to try to provoke us.

12. Since issuance of the Court's Order, I believe the risk of violence, confrontation, or real harm for the Ranch and its employees has seriously increased.

13. It is my belief that if the Court's ruling is put on hold during the IBH appeal that people will understand the need to stay away from confronting me and other Ranch employees.

FURTHER AFFIANT SAYETH NAUGHT.

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)



Rebecca Englert

This *Affidavit of Rebecca Englert* was subscribed and sworn (or affirmed) to before me on this 6 day of July, 2023, by Rebecca Englert.

Witness my hand and official seal.



Signature of Notarial Officer
Title: Notary Public

My commission expires: Sept. 15 2028
Seal:

